

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JERALD REY COSTA, JR.,

v.

**Petitioner,**

Case No. 3:16-cv-00705-HDM-CLB

## ORDER

ISIDRO BACA, et al.,

## Respondents.

On January 24, 2017, this court entered an order staying this action to allow petitioner to exhaust his state court remedies for all his claims. ECF No. 7. On April 27, 2022, the court received a letter from the petitioner, which the court construes as a motion to lift the stay and reopen these proceedings. ECF No. 9.

Good cause appearing, the court shall reopen proceedings in this matter and establish a schedule for further litigation.

**IT IS THEREFORE ORDERED** that petitioner's motion to reopen (ECF No. 9) is GRANTED. The stay in this case is lifted. The Clerk is directed to administratively REOPEN the case.

**IT IS FURTHER ORDERED** that the following schedule shall govern the further litigation of this action:

**1. Amended Petition.** Petitioner shall have **30 days** from the date this order is entered within which to file an amended habeas petition if he wishes to do so.

**2. Response to Petition.** Respondents shall have **60 days** following service of the amended petition (or the expiration of time for doing so) to file and serve an answer or other response to the petition.

**3. Reply and Response to Reply.** Petitioner shall have **45 days** following service of an answer by respondents to file a reply.

**4. Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner shall have **30 days** following service of the motion to file an opposition to the motion. Respondents shall thereafter have **30 days** following service of the opposition to the motion to file and serve a reply.

DATED this 19th day of May, 2022.

Howard D McKibben

---

UNITED STATES DISTRICT JUDGE